

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

**Proposing rule making related to swimming pools
and spas and providing an opportunity for public comment**

The Public Health Department hereby proposes to amend Chapter 15, “Swimming Pools and Spas,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 135I.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 135I.

Purpose and Summary

The proposed amendments are intended to provide more clarity to existing provisions or reduce duplication of provisions.

The proposed amendments will do the following:

- Items 1 and 7, specifically in subparagraphs 15.4(1)“e”(2) and 15.51(1)“h”(2), remove the requirement for gas-fired swimming pool heaters to bear the seal of the American Gas Association (AGA). Beginning July 1, 2000, the markings on the valve bodies no longer have the AGA symbol cast into the product. In its place, the new industry certification of CSA US (Canadian Standards Association: United States) has been placed on the product. In recent years, AGA changed its name to IAS (International Approval Services). Since that time, CSA has purchased CGA (Canadian Gas Association), including AGA listing rights and the responsibility for monitoring manufacturing activities for certified products. There are requirements for listed and labeled equipment in other building codes, such as the plumbing code, mechanical code, and electrical code, so a separate requirement for listing and labeling of this equipment in the pool rules could result in conflicting requirements and multiple authorities having jurisdiction.
- Items 2, 4 and 9, specifically in subparagraphs 15.5(5)“d”(2), 15.5(21)“f”(1), and 15.52(5)“d”(2), remove the requirement that the data plate of gas-fired pool water heaters bear the AGA mark. This reference is outdated because the AGA mark is no longer in use and the CSA US standard is now used.
- Item 3, specifically in subparagraphs 15.5(13)“k”(1) and 15.5(13)“k”(2), changes terminology from lumens/ft² to footcandles (fc). This change will clarify the rule since footcandles is a more commonly used term than lumens/ft² to express the lighting level.
- Item 3, specifically in paragraph 15.5(13)“l,” removes a federal reference (CFR Title 16, Part 1207) which is not enforced by the United States Consumer Product Safety Commission (CPSC). Department staff have been in contact with CPSC to determine if the agency intends to enforce the standard, and it appears that it has not been enforced, and as such, the Department staff members feel that it should not be a basis for a deficiency under Iowa rule.
- Item 5, specifically by rescinding subrule 15.10(4), removes the requirement for training course providers to provide a list of names and addresses of individuals who have completed the training course. Historically, the program provided this information to pool and spa facilities to verify certification of staff. However, the training sponsors (typically the Pool & Hot Tub Alliance) are able to provide verification of certification by using the certificate number, by using a QR code, or by verifying the individual’s name. As such, it is duplicative for training providers to provide this information to the Department.

- Item 6, specifically by rescinding subrule 15.12(5), removes the requirement that training providers pay a fee of \$20 for each person who successfully completes the training course. Historically, the Department maintained a list of individuals who successfully passed the certification course. However, since that information is available from the Pool & Hot Tub Alliance and other training providers, this is duplicative work.

- Item 8, specifically in numbered paragraph 15.51(4)“f”(2)“3,” changes the requirement for facilities to maintain purchase records for at least five years to the requirement that records be maintained for the life of the cover or grate. There are different service lives (e.g., 3-year, 5-year, 7-year, 10-year, 20-year) assigned by the manufacturer, so the compliance paperwork must be kept for the life of the cover rather than simply 5 years.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 14, 2023. Comments should be directed to:

Ken Sharp
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.5099
Email: kenneth.sharp@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **15.4(1)“e”** as follows:

e. Swimming pool water heaters.

(1) Electric water heaters shall bear the seal of UL.

(2) Gas-fired water heaters ~~shall bear the seal of the AGA and~~ shall be equipped with a pressure relief valve.

(3) Fuel-burning water heaters shall be vented to the outside in accordance with the Iowa state plumbing code.

(4) Each indoor swimming pool equipment room with fuel-burning water heating equipment shall have one or more openings to the outside of the room for the provision of combustion air.

ITEM 2. Amend subparagraph **15.5(5)“d”(2)** as follows:

(2) Gas-fired pool water heaters shall comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004. ~~The data plate of the heater shall bear the AGA mark.~~

ITEM 3. Amend paragraphs **15.5(13)“k”** and **“l”** as follows:

k. Lighting. Artificial lighting shall be provided at indoor swimming pools and at outdoor swimming pools which are to be used after sunset in accordance with the following:

(1) Underwater lighting of at least 8 lamp lumens/ft² or 0.5 watts/ft² of water surface area, located to provide illumination of the entire swimming pool bottom, and area lighting of at least 10 ~~lumens/ft²~~ footcandles (fc) or 0.6 watts/ft² of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 ~~lumens/ft²~~ footcandles (fc) or 2.0 watts/ft² of swimming pool water surface area shall be provided.

l. Swimming pool slides. ~~Swimming pool slides shall meet the requirements of the January 1, 2004, product standard of the United States Consumer Product Safety Commission (CFR Title 16, Part 1207).~~ Swimming pool slides shall be installed in accordance with the manufacturer's recommendations.

ITEM 4. Amend subparagraph **15.5(21)“f”(1)** as follows:

(1) Gas-fired storage-type hot water heaters shall comply with the requirements of ANSI/AGA Z21.10.1-2001, or with the requirements of ANSI/AGA Z21.10.3-2001. ~~The heater shall bear the mark of the AGA.~~

ITEM 5. Rescind subrule **15.10(4)**.

ITEM 6. Rescind subrule **15.12(5)**.

ITEM 7. Amend subparagraph **15.51(1)“h”(2)** as follows:

(2) Gas-fired water heaters ~~shall bear the seal of the AGA and~~ shall be equipped with a pressure relief valve.

ITEM 8. Amend subparagraph **15.51(4)“f”(2)** as follows:

(2) Each fully submerged outlet shall have a cover/grate that has been tested for compliance with the requirements of the ASME standard by a testing agency approved by the department or that is certified for compliance by an engineer licensed in Iowa.

1. The cover/grate for an outlet system with a single fully submerged outlet shall have a flow rating of at least 100 percent of the maximum system flow rate. The combined flow rating for the cover/grates for an outlet system with more than one fully submerged outlet shall be at least 200 percent of the maximum system flow rate.

The maximum system flow rate is the design flow rate for the pump(s) directly connected to the outlet(s) in an outlet system. In the absence of better information, the maximum system flow rate is the capacity of the pump(s) at 50 feet TDH, based on the manufacturer's published pump curves.

2. Fully submerged outlet cover/grates shall not be removable without the use of tools.

3. Purchase records and product information that demonstrate compliance shall be maintained by the facility for ~~at least five years from the time~~ the life of the cover/grate is purchased. If a field fabricated cover/grate is certified for compliance to the ASME standard by an engineer licensed in Iowa, a copy of

the certification letter shall be kept at the facility for ~~at least five years from the certification date~~ the life of the cover/grate.

ITEM 9. Amend subparagraph ~~15.52(5)~~“(2)” as follows:

(2) Gas-fired spa water heaters shall comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004. ~~The data plate of the heater shall bear the AGA mark.~~